

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

*Plaintiff,*

**v.**

**Case No. 24-CR-113-RAW**

**MARCUS EDWARD LEE,**

*Defendant.*

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**UNITED STATES’ MOTION TO PERMIT REMOTE TESTIMONY**

COMES NOW, the United States of America, by and through its attorney, Christopher J. Wilson, United States Attorney, and Assistant United States Attorney Joshua Satter, and respectfully requests that the United States’ proposed expert witness, Jon Peacock, be permitted to testify remotely during the upcoming *Daubert*<sup>1</sup> hearing. Opposing counsel does not object to the requested relief.

On November 14, 2024, the United States filed a Notice of Intent to Offer Expert Testimony (the “Expert Notice”) pertaining to Jon Peacock. (ECF No. 34). Mr. Peacock is a New Zealand resident, and he works as a senior investigator with the Department of Internal Affairs in that country.

On November 25, 2024, Defendant filed an objection to the Expert Notice and requested a *Daubert* hearing. (ECF No. 35). On November 26, 2024, the Court directed the United States to supplement its Expert Notice by December 3, 2024. (ECF No. 36). The United States complied and, on December 3, 2024, filed its Supplemental Notice of Intent to Offer Expert Testimony.

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<sup>1</sup> See *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993).

(ECF No. 38).

On December 10, 2024, the Court referred Defendant's request for a *Daubert* Hearing to United States Magistrate Judge Jason A. Robertson, and on that same date, Judge Robertson set a *Daubert* hearing for December 19, 2024. (ECF Nos. 41-42).

The United States respectfully requests that Mr. Peacock be permitted to testify remotely during the *Daubert* hearing. Given Mr. Peacock's residency, coupled with the short amount of time to prepare his travel, the United States would have to expend significant resources to procure his in-person testimony. While the United States understands that remote testimony is not ideal, this is an exceptional circumstance that warrants the requested relief. The United States will prepare before the hearing to ensure that the proper technology is in place to effectuate the remote testimony.

### **CONCLUSION**

Accordingly, for the reasons set forth above, the United States respectfully requests that the Court permit its proposed expert witness, Jon Peacock, to testify remotely during the upcoming *Daubert* hearing.

Respectfully submitted,

Christopher J. Wilson  
United States Attorney

s/ Joshua Satter

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